

## ***REMARKS***

### ***Pending Claims***

Claims 1-10 and 12-16 are pending. Claims 1, 6, 10 and 16 are currently amended. Claim 11 has been canceled. No new matter is added.

### ***Rejections under 35 U.S.C. § 103***

The Examiner has rejected claims 1, 3-6, 8-11, and 13-16 under 35 U.S.C. § 103(a) as being obvious over Rudrapatna (US Appl. Publ. No. 2004/0092233) in view of Chen et al. (USP 7,443,816) and further in view of Gopalakrishnan et al. (USP 6,859,446). Further, the Examiner has rejected claims 2, 7, and 12 as being obvious over Rudrapatna in view of Chen, further in view of Gopalakrishnan, and still further in view of Tsien et al. (USP 7,328,037). However, at least for the reasons presented herein, Applicant respectfully submits that the rejections are traversed. In responding to the rejections, Applicant makes no concession that any of the cited references are prior art, and Applicant reserves the right to antedate any reference at a later date and to present additional reasons why the claims are patentable.

Independent claims 1, 6, 10, and 16 have been amended to include the language of dependent claim 11, and claim 11 has been canceled. Claim 1 as amended recites a mobile communication system in which variable rate transmission is performed over a downlink radio channel among a base station control apparatus, a radio base station, and a mobile station, the radio base station including a transmission rate determining part and a transmission power changing part, where the transmission power changing part is provided with one or more tables prepared in advance. The one or more tables show the relations among the size of the transmission data, the error correction gain difference, and a change amount of the transmission power, such that the changing of the transmission power is carried out with reference to the one or more tables.

In rejecting dependent claim 11, which recites determining transmission power with reference to one or more tables prepared in advance that show the relations among the transmission data size, the error correction gain difference, and a change amount of the transmission power, the Examiner argues that the elements of this claim are taught by Chen:

Referring to Claim 11, Chen also teaches the step of determining the transmission power carried out with reference to one or more tables prepared in advance that show the relations among the transmission data size, the error correction gain difference, and a change amount of the transmission power (see table in fig. 4).

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However, Figure 4 of Chen merely shows the relation between the packet size and the transmission rate:

**FIG. 4**

PACKET SIZE (byte)	TRANSMISSION RATE (kbps)
1~100	64
101~500	128
501~1000	256
1001~1500	384

Chen does not disclose, teach, or suggest the relations among the size of the transmission data, the error correction gain difference, and a change amount of the transmission power, as recited in claim 1, nor could this information be derived from the packet size and transmission rate information in Figure 4 of Chen. By providing one or more tables that take into account not only the relation between the error correction gain difference and the change amount of the transmitting power but also the size of the transmission, the presently-claimed system is effective in cases where the error correction gain difference is large, e.g. where the transmission size is relatively small.

For at least the reasons given above with regard to claim 1, the combination of Rudrapatna in view of Chen further in view of Gopalakrishnan also fails to render obvious any of independent claims 6, 10, or 16.

Furthermore, each of the dependent claims is allowable for at least the reason that each depends from an allowable independent claim and because each contains additional patentable subject matter.

### CONCLUSION

In view of the remarks presented herein, reconsideration and withdrawal of the pending rejections and allowance of the claims are respectfully requested. The Examiner is strongly encouraged to contact the undersigned at the phone number below should any issues remain with respect to the application.

No other fees are believed due in connection with this submission. However, if additional fees are owed, please charge Deposit Account 50-1965.

Respectfully submitted,  
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